

Marquis Aurbach
Craig R. Anderson, Esq.
Nevada Bar No. 6882
Tye S. Hanseen, Esq.
Nevada Bar No. 10365
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
canderson@maclaw.com
thanseen@maclaw.com
Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BILLY CEPERO,

Plaintiff,

Case No.: 2:11-cv-01421-JAD-NJK

vs.

GILLESPIE, ET AL.,

Defendants.

STIPULATION AND ORDER TO CONTINUE TRIAL (FIFTH REQUEST)

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Billy Cepero (“Plaintiff”), through the law firm of Snell & Wilmer L.L.P., and Defendant Officer James Bonkavich (“Defendant” or “Bonkavich”), through the law firm of Marquis Aurbach, that the trial currently set for May 9, 2022 (ECF No. 240) be continued to June 27, 2023.

This Stipulation is entered into for the following reasons:

1. Due to conflicts with the parties’ availability, scheduling of witnesses, and trial counsel’s calendars, the parties respectfully request that the new trial date be set for June 27, 2023.

2. While the parties were discussing in January and February moving the prior trial date, which was February 28, they were considering March 14, March 28, April 11, May 9, and June 6 as potential dates.

3. Plaintiff preferred the May 9 date.

4. Defendant's counsel informed Plaintiff's counsel on February 1 that there was a witness in the case who could not participate during the May 9 trial setting.

5. Defendant's counsel reiterated March 14, March 28, April 11, May 9, and June 6 were the possible dates the Court provided, but there was lack of witness availability on May 9.

6. Of these dates, Plaintiff's counsel chose April 11 with the caveat that one of the attorneys representing Plaintiff would not be available until April 12 because of an April 11 conflict, which was referenced in a footnote in the stipulation.

7. The Court received the stipulation and proceeded to set the trial for May 9, which was the date that Defendant lacked witness availability.

8. On February 7, Defendant's counsel followed up with the Court via email, with counsel for the Plaintiff copied, making the Court aware of the May 9 conflict.

9. The Court suggested that perhaps the unavailable witness may become available or another stipulation could be submitted.

10. Defendant's counsel has followed up with the witness to confirm availability, and the witness remains unavailable for the week of May 9—the witness will be out of the country and without computer access. Thus, the parties are submitting this stipulation.

11. This is the fifth stipulation filed herein to continue the trial dates.

IT IS SO STIPULATED this 11th day of April, 2023.

MARQUIS AURBACH

SNELL & WILMER L.L.P.

By: /s/ Tye S. Hanseen
 Craig R. Anderson, Esq.
 Nevada Bar No. 6882
 Tye S. Hanseen, Esq.
 Nevada Bar No. 10365
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 Attorney for Defendant

By: /s/ Dawn L. Davis
 Kelly H. Dove, Esq.
 Nevada Bar No. 10569
 Dawn L. Davis, Esq.
 Nevada Bar No. 13329
 3883 Howard Hughes Pkwy., Ste. 1100
 Las Vegas, Nevada 89169
 Attorney for Plaintiff

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ORDER

IT IS SO ORDERED:

1. That the trial in this matter shall begin on June 27, 2023 at 9:00 a.m.;
2. The parties must appear for calendar call on June 20, 2023 at 1:30 p.m; and
3. Any other deadlines set forth in this Court's Order Regarding Trial (ECF No. 240) shall be reset in accordance with the new trial date identified above.
4. All trial briefs, proposed voir dire, proposed jury instructions, exhibit lists and witness lists are due by noon on June 20, 2023.

IT IS SO ORDERED this 14th day of April, 2023.


UNITED STATES DISTRICT JUDGE

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816